CUSTOMER NO.: 24498   **PATENT**
Serial No.: 10/537,463   PF020159
Office Action dated: 11/17/10
Response dated: 2/23/11

Remarks/Arguments

In the Office Action, the Examiner stated that claims 1-5 are pending in the application and that claims 1-5 stand rejected.

In view of the following discussion, the Applicant respectfully submits that none of these claims 1-5 now pending in the application are anticipated under the provisions of 35 U.S.C. § 102. In addition, the Applicant submits that all of the Applicant's claims comply with the provisions of 35 U.S.C. § 101. Thus, the Applicant believes that all of these claims are now in allowable form.

Rejections

A.   35 U.S.C. § 101

The Examiner rejected the Applicant's claims 1-5 under 35 U.S.C. § 101 alleging that these claims are not falling within one of the four statutory subject matter categories. The Examiner refers to Supreme Court precedent and recent Federal Circuit decisions indicating that a statutory process under 35 U.S.C 101 must be (1) tied to another statutory subject matter (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The Examiner alleges that the instant claims do not positively tie to another statutory subject matter that accomplishes the claimed method steps. The Examiner further alleges that a method of recording data and a method of retrieving data could be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine.

The Applicant respectfully directs the Examiner's attention to the fact that the Applicant's claim 1 explicitly recites "said method being implemented on a video recorder". Furthermore, each of the steps of claim 1 recites "using the video recorder". Similarly, claim 5 explicitly recites "said method being implemented on a video player" and each of the steps of claim 5 recites "using the video player". The Applicant, as such, submits that the Applicant's independent claims are tied to another statutory subject matter (such as a particular apparatus) at least because the Applicant's claimed methods are implemented on a video player and a video recorder and comprising in each step the use of these devices.

- 2 -

CUSTOMER NO.: 24498
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PATENT
PF020159

As such, the Applicant submits that the Applicant's claims 1 and 5 constitute a positive tie of the claimed methods to statutory subject matter, the video recorder and the video player, namely, and thus constitute statutory processes under 35 U.S.C 101.

B. 35 U.S.C. § 102

The Examiner rejected the Applicant's claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Rundell (U.S. Patent No. 4,633,391). The rejection is respectfully traversed.

The Examiner cites column 3, lines 6-10, column 4, lines 7-20, column 7, lines 20-29, and refers to Fig. 8 and 9 of Rundell. In particular, the Examiner alleges that a method for recording data, said method being implemented on a video recorder, is disclosed in column 4, lines 7-20, of Rundell which reads:" [a]s shown in FIG. 1, the data to be recorded is first stored in the host central processing unit 1 in its channel interface buffer 2 where it is built up into blocks of data to be transmitted to the device controller 3. In the preferred embodiment, 7904 bytes of information comprise a single block of user data. Once built, the block or blocks are transmitted to the device controller 3 where they are stored in the buffer 4 to be transmitted by the microprocessor 5 to the storage device 6. Once transferred to the storage device 6, the data to be recorded is enabled by the device microprocessor 7 to pass into the device buffer 8 and thereafter onto the disk 9 where it is recorded."

The Applicant respectfully submits that Rundell does not mention a video, neither in column 4, lines 7-20, nor anywhere else, and therefore cannot anticipate a video recorder or a video player. In contrast to the invention of the Applicant, Rundell teaches an extended index for digital information storage and retrieval device (Title) for rapidly locating user data stored on an information recording disk having an Index band and several user bands, each user band having several user tracks wherein each user track can record user blocks of data (fig. 2+3, column 4, lines 27-33). In the header of user blocks, a generic key is placed (column 4, lines 64-66). A physical ID (PID) is placed at the very beginning of the user data prior to recording (column 5, lines 4-6). The generic key represents the user data by a logical ID (LID) key, and further user keys, the logical ID key designating which band a block of information should be recorded and in sequence which bock on that band the data represents. The further

user keys simply represent some value or portion in the user data (Column 5, lines 29-33 and 41-46). As data is recorded, the device records, in the index band the PID and generic key if new file is opened (Column 5, lines 59-61). Once data is transferred on the index band it is read into a random access memory Index, the Index addresses being the band upon which the data is recorded, with the individual registers being the complete generic key (Fig. 7b, Column 6, lines 5-12). Further, pointer tables are established which have as its register contents the band values sorted based upon the key value associated with said band (Fig. 8, Column 6, lines 18-21). Generic keys comprising LID keys and user keys providing the ability to multiply sort user data for searching and indexing (Column 6, lines 25-28).

In Rundell, to conduct an index search using the generic key, a target Key register indicating the key to find on the disk, a select pointer table register indicating which pointer table to be search, a key start register indicating which position in index will key to compare come from and a key length register indicating how long is the key from index table are placed in the device random access memory (Fig. 9, column 7, lines 5-10). As such, Rundell allows for rapid location of user data based on pointer tables each pointer table mapping either an entire generic key or user keys comprised therein on band values. Rundell's pointer tables establish mappings between keys and pointers, that is, a certain key in conjunction with a certain pointer table can be interpreted as indicative as a pointer but not the certain key per se. And still, even in conjunction with the certain pointer table the certain key cannot be interpreted as indicative of a back-pointer since keys as taught by Rundell are associated only with that user data in whose header the respective key is placed. Rundell is silent with regard to a key in a user data block's header which represents values or portions of a different user data block as taught and claimed by the Applicant. That is, Rundell does not mention or suggest keys which establish a sequence of user data blocks and therefore Rundell's keys cannot be interpreted as indicative of a pointing back or forth with in such sequence or suggest keys being indicative of a back-pointer as taught and claimed by the Applicant.

Instead, Rundell describes that the device protocol requires data for a band be recorded by Key number in increasing order (column 4, l. 45-47). But though key numbers in a given band are in an increasing order, a given key number in this order is not indicative of a key number preceding the given key number according to this order.

- 4 -

That is, keys as known from Rundell cannot render obvious "a key indicative of a back-pointer" as taught in the Applicant's Specification and as claimed in at least the Applicant's independent claims 1 and 4. As such, the Applicant submits that Rundell cannot suggest retrieving user data on a medium in a recording order or opposite thereto. That is, the Applicant submits that keys as taught in Rundell cannot render obvious "retrieving a set of data on a medium in an order opposite to the recording order" as taught in the Applicant's Specification and as claimed in the Applicant's claim 5.

Therefore and for at least the reasons recited above, the Applicants submit that Rundell fails to teach or suggest each and every element of the Applicants' claimed invention arranged as in at least the Applicant's independent claims 1 and 4 and claim 5 as required for anticipation.

Therefore, the Applicants submit that for at least the reasons recited above, the Applicant's claim 1 is not anticipated by the teachings of Rundell and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Likewise, the Applicants' independent claim 4 claim similars relevant features, as claimed in the Applicants' claim 1. As such, the Applicants submit that claim 4 is also not anticipated by the teachings of Rundell and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Furthermore, the Applicants' dependent claims 2-3 and 5 depend either directly or indirectly from the Applicants' independent claims 1 and 4 and recite additional features thereof. As such, the Applicants submit that at least because the Applicants' claims 1 and 4 are anticipated by the teachings of Rundell, the Applicants further submit that the Applicants' dependent claims 2-3 and 5, which depend either directly or indirectly from the Applicants' claims 1 and 4, are also not anticipated by the teachings of Rundell and, as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicants reserve the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus the Applicants submit that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102. In addition, the Applicant

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PATENT
PF020159

submits that all of the Applicant's claims comply with the provisions of 35 U.S.C. § 101. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

Nicolaas Johannes Damstra et al.

By: _____
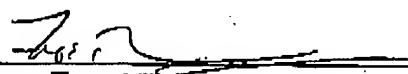
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- 6 -